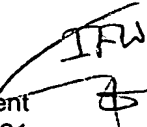


Patent 
Attorney Docket No. 003301-061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Per Carlsson et al.

Application No.: 10/608,004

Filing Date: June 30, 2003

Title: RADIATION THERAPY DEVICE

Group Art Unit: 2882

Examiner: Thomas R. Artman

Confirmation No.: 1961

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The requisite fee is ☐ \$65.00 (2814) ☒ \$130.00 (1814) .

☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.

☒ A check in the amount of \$ 130.00 is enclosed for the fee due.

☐ Charge _____ to credit card. Form PTO-2038 is attached.

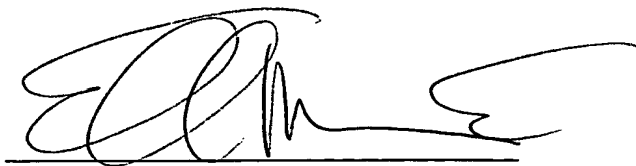
This paper is submitted in duplicate.

Respectfully submitted,

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By



Ellen Marcie Emas
Registration No. 32,131

Date: July 14, 2005

**TERMINAL DISCLAIMER TO OBIUATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

003301-061

In re Patent Application of: Per Carlsson et al.

Application No.: 10/608,004

Filed: June 30, 2003

For: RADIATION THERAPY DEVICE



The owner*, Elekta AB, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/607,994, filed on June 30, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

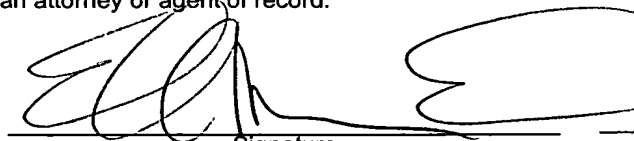
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

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Date

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Ellen Marcie Emas
Typed or printed name

(703) 836-6620
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.